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Report of the Committee on Relations with the Host Country

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Supplement No. 26 (A/58/26)

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Chapter I
Introduction

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI) of 15 December 1971. The General Assembly, by its resolution 57/22 of 19 November 2002, decided to include in the provisional agenda of its fifty-eighth session the item entitled "Report of the Committee on Relations with the Host Country". The present report is submitted pursuant to resolution 57/22.

2. The report is composed of four sections. The recommendations and conclusions of the Committee are contained in section IV.

Chapter II

Membership, composition, terms of reference and organization of the work of the Committee

3. The Committee is composed of 19 members, as follows:

Bulgaria	Iraq
Canada	Libyan Arab Jamahiriya
China	Malaysia
Costa Rica	Mali
Côte d'Ivoire	Russian Federation
Cuba	Senegal
Cyprus	Spain
France	United Kingdom of Great Britain and Northern Irelands
Honduras	
Hungary	United States of America

4. The Bureau of the Committee consists of the Chairman, the three Vice-Chairmen, the Rapporteur and a representative of the host country who attends Bureau meetings ex officio. During most of the reporting period, and through the 216th meeting of the Committee, Sotirios Zackheos (Cyprus) continued to serve as Chairman. At the 217th meeting, in accordance with the established practice of the Committee and as endorsed by the Bureau, the Committee elected by acclamation Andreas D. Mavroyiannis (Cyprus) as its new Chairman. The representatives of Bulgaria, Canada and Côte d'Ivoire served as Vice-Chairmen, and Emilia Castro de Barish (Costa Rica) as the Rapporteur.

5. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). In May 1992, the Committee adopted, and in March 1994 slightly modified, a detailed list of topics for its consideration, which is set out in annex I to the present report.

6. During the period under review, the Committee held the following meetings: the 215th, on 13 February 2003; the 216th, on 21 May 2003; the 217th, on 3 September 2003; the 218th, on 9 October 2003 and the 219th, on 16 October 2003.

Chapter III
Topics dealt with by the Committee

A. Entry visas issued by the host country

7. At the 215th meeting, the representative of Iraq protested serious delays in the issuance of visas to Iraqi diplomats and experts, noting that such delays impeded the work of the Iraqi Mission, contrary to the Headquarters Agreement. In particular, he referred to two cases in which entry visas had been delayed, interfering with Iraq's participation in the twentieth anniversary event of the signing of the United Nations Convention on the Law of the Sea and the resumed first session of the Assembly of States Parties to the Statute of the International Criminal Court. The representative of Iraq also expressed concern about delays in granting entry/re-entry visas to representatives of the Permanent Mission of Iraq, including those participating in the oil-for-food programme. Finally, the representative of Iraq reported that Iraqi diplomats had been harassed and followed both within United Nations Headquarters premises and outside. He intimated that the Iraqi Mission had names and evidence to substantiate these allegations and concluded that such behaviour was unacceptable and should be stopped immediately.

8. In response to the statement by the Iraqi representative, the representative of the host country emphasized that the United States Mission was very much aware of delays and was doing everything possible to expedite and facilitate the issuance of visas. He alluded, however, to the new security requirements and an almost unprecedented restructuring of the United States Government, including the establishment of the Department of Homeland Security and the transfer of a large number of government agencies into that Department. This migration involved new policies, procedures and chains of command, resulting in long visa delays. He confirmed that the United States Mission exerted its best efforts to minimize these delays and noted that national security was a shared concern. In any event, he advised delegations to allow at least 20 days for the processing of their visa applications. He challenged and unequivocally denied the Iraqi Mission's allegation that its diplomats were being followed or harassed by the United States authorities.

9. The representative of Iraq stated that he had listened attentively to the reply given by the representative of the host country and reiterated that his Mission had indeed been suffering from harassment. He reported two cases in which two Iraqi civil servants had been contacted at their homes late at night and requested to attend a meeting in a public park. He alluded to other such contacts and offered to provide the relevant names to the United States Mission. He stressed that such approaches were unacceptable and should immediately stop.

10. At the 216th meeting, the observer of Zimbabwe recalled that established policy required 15 business days for visa applications and reported that a visa request submitted by his Permanent Mission five months prior to the date of the meeting had yet to be issued; enquiries addressed to the competent host country authorities had indicated that the delay was due to a backlog in visa applications. The representative of the host country recalled that the application period had increased to 20 business days after the events of 11 September 2001 but that he would look into the particular case raised by the observer of Zimbabwe once he was provided with the name of the individual concerned.

B. Transportation: use of motor vehicles, parking and related matters

11. At the 215th meeting, the representative of the Russian Federation raised concerns regarding the implementation of the New York Parking Programme for Diplomatic Vehicles. He stated that, unfortunately, the implementation of the Parking Programme had confirmed the concerns his country had stated prior to its entry into force. He reported that, contrary to paragraph 27 of the Parking Programme, his Mission's designated parking spaces were often occupied by other vehicles, including those of the New York Police Department, the military and others. This had been reported to the tow hotline and by note verbale to the United States Mission, to no avail. Thus, the remedial steps under paragraph 44 of the Parking Programme had not been successful and none of the offenders had been ticketed or fined. He also expressed frustration with delivery vehicles and stated that his Mission had received tickets for double parking, which could not be accepted due to the unavailability of the two guaranteed spaces. While Russian staff were paying their legitimate tickets, the appeals procedure was not functioning properly; notices of unpaid tickets were being sent despite the fact that the Russian Mission had lodged appeals in respect of such tickets. Moreover, fines were being imposed without the explanation required by paragraph 10 of the Parking Programme. In conclusion, he stated that the Parking Programme was complicating the work of the Russian Mission and requested that a review be conducted in order to assess the conformity of the Parking Programme with the obligations of the host country as set out in the Legal Counsel's opinion (A/AC.154/358, annex).

12. The representative of Costa Rica also lodged a complaint in respect of the Parking Programme, referring in particular to the appeals process and to the unauthorized use of the parking spaces designated for the Costa Rican Mission. He alluded to the requirements of paragraphs 8 and 10 of the Parking Programme in describing a frustrating series of exchanges with the city's Appeals Panel, which ultimately culminated in the dismissal of a ticket on technical grounds. He was concerned that the Appeals Panel had failed to provide any explanation of its rejection of the appeal or guidance on its interpretation of the Parking Programme. He reported that the Permanent Mission of Costa Rica had communicated with the United States Mission outlining innumerable problems with the Parking Programme. He alluded to the daily presence of unauthorized vehicles and trucks in his Mission's designated spaces. The representative of Costa Rica also stated that the hotline was not operational and that city police seemed to exhibit polite disregard of offenders, who were thus permitted to ignore the law. He expressed the hope that, in a constructive spirit, the host country would take into account the problems permanent missions were encountering.

13. The representative of China recalled General Assembly resolution 57/22, paragraphs 2, 3 and 4 of which he said required a continuing discussion on the implementation of the Parking Programme. His delegation understood the constraints on the host country and city, but expected them to fulfil their promise to provide a non-discriminatory and efficient parking programme in accordance with the host country's obligation to facilitate the work of the permanent missions, under the Headquarters Agreement. In his view, the Parking Programme did not improve the parking situation but, on the contrary, had worsened an already restricted situation. The Parking Programme had hindered the freedom of movement of permanent missions, contrary to the obligations of the host country under

international law. Moreover, the administrative and judicial measures imposed in the Parking Programme further undermined the status, privileges and immunities of the Missions and their diplomatic personnel. The representative of China expressed the hope that, in a constructive and cooperative spirit, the host country would take the necessary measures to ensure that the Parking Programme was implemented in a fair and non-discriminatory manner.

14. The representative of Cuba indicated that sufficient time had elapsed to assess the implementation of the Parking Programme. She reported several irregularities and daily violations of the Cuban Mission's exclusively designated spaces. She also expressed concern about the inefficacy of the appeals procedure, which in her view added confusion and failed to address the substance of the appeals lodged by permanent missions. She called for a regular periodic appraisal of the implementation of the Parking Programme. The representative of Cuba reiterated her Government's view that the Parking Programme was objectionable on both legal and practical grounds, referring in particular to the imposition of sanctions against permanent missions and their diplomatic staff and to interference with the ability of permanent missions to carry out their work. She stated that the Parking Programme constituted an administrative and financial burden, especially for missions of developing countries. The time spent on protests, appeals and communications to the United States Mission was unnecessary additional work that was unrelated to the primary functions of the permanent missions to the United Nations. She also expressed the view that the city police and parking authorities did not appear to be adequately familiar with the provisions of the Parking Programme and, moreover, that the residents of the city had not been informed of its parameters and provisions. She hoped that these problems would be addressed in a cooperative manner with a view to finding solutions to a situation that was bureaucratic, illegal and therefore unacceptable.

15. The representative of the host country expressed regret in connection with the concerns stated by the representatives of the Russian Federation, Costa Rica, China and Cuba and confirmed the commitment of the host country and city to resolve all issues. He reported that an official had been designated in the United States Mission to deal solely with the Parking Programme. He emphasized the legality of the Parking Programme, as confirmed by the Legal Counsel, and stated that it had indeed reduced both congestion and the number of tickets being issued. He reminded the permanent missions that they could refer any problems to the New York City Commission for the United Nations, Consular Corps and Protocol and/or the United States Mission. He opined that "full facilities" did not mean that the host country must guarantee a parking space for each diplomatic vehicle. In fact, compared with other host cities, the host city had been very generous by guaranteeing two spaces per mission. He reiterated that the appeals procedure did not subject permanent missions to the administrative or judicial jurisdiction of the host city or country. He concluded that all the evidence to date indicated that, despite small problems, the Parking Programme had made life easier for all concerned. The United States Mission was impressed by how few problems there actually were.

16. The New York City Commissioner for the United Nations, Consular Corps and Protocol undertook to work expeditiously to resolve all problems brought to the Commission's attention, including those raised by and in the Committee. She reported that the unauthorized vehicles parked in reserved spots appeared to be other

consular and diplomatic vehicles with decals. On the responsiveness of the tow hotline, she stated that the New York Police Department had dedicated additional resources to the hotline but that due to the heightened security environment, fewer resources were available. She stated that the city's Appeals Panel would not provide additional reasons other than those specified on the notice of violation itself. She confirmed that the training of officers was taking place and being reinforced. She reported that the Police Department had 40,000 officers authorized to issue tickets. Finally, she indicated that questions regarding residential parking should be referred to the United States Mission.

17. In response to the host country and city, the representative of Costa Rica noted that an appeal to a notice of violation could arise due to a question of law and/or a question of fact. It was therefore insufficient to cite the same reasons specified on the notice itself. He stated that the permanent missions needed explanation, clarification and interpretation of the law in order to guide their conduct in the future. Later, he also stressed that paragraphs 10 and 16 of the Parking Programme required the city to provide an explanation. The New York City Commissioner reiterated that the Appeals Panel would not give any explanation beyond what was stated on the notice of violation.

18. The representative of the Russian Federation reacted to the remarks by the host country and city representatives by stating that there had been no transition period, and permanent missions were obliged to pay and contest their tickets even if city officers were wrong or inadequately trained. The New York City Commissioner confirmed that the Parking Programme was fully operational but that human error could not be discounted. She also offered additional information briefings for the benefit of the permanent missions and their personnel.

19. The representative of Spain, in response to the New York City Commissioner's comment on residential parking, recalled that when the Parking Programme had been presented, the diplomatic community had been assured that there would be equal treatment for all permanent missions. He therefore questioned inconsistencies in the provision of residential parking spaces to certain permanent representatives.

20. At the 216th meeting, the representative of the host country was pleased to report progress in the implementation of the Parking Programme and noted that the number of parking violations had declined considerably. He informed the Committee that summonses had decreased by 87 per cent under the Parking Programme and commended the permanent missions for complying with it by paying or contesting the notices they had been issued. He was aware that all too often non-diplomatic vehicles parked illegally in the designated spaces and requested timely notice to act on the missions' complaints. In respect of the towing of unauthorized vehicles, he stressed the importance of calling the tow hotline to arrange for towing, or at least to ensure that there was a record of unauthorized parking. He also provided further contact information for reporting problems. All in all, he concluded that the Parking Programme was working well and offered continued assistance in resolving any problems that might arise.

21. The representative of Costa Rica recalled that the host country had issued the draft Parking Programme at the beginning of the fifty-seventh session of the General Assembly, when delegations were very busy and had little time to study or discuss it. Despite the commitment to ensure two spaces and two decals per mission, she reported that in reality permanent missions were experiencing serious difficulties.

She also indicated that her Mission had promptly reported problems to the United States Mission by note verbale, as permanent missions were not obliged to communicate with local authorities. Protesting the inordinate amount of time required to abide by the Parking Programme, she stated that too much time was being wasted on responding to and appealing notices and looking for parking. She found it regrettable that unauthorized vehicles were allowed to consistently block or take the missions' designated spaces. She noted that the normal police were always too busy to answer or assist and that the specifically trained police unit had not materialized as promised. She indicated that permanent missions had fulfilled their part of the bargain and called upon the host country to ensure that the Parking Programme did not interfere with the proper functioning of the permanent missions.

22. The representative of Cuba reported that the Parking Programme continued to present practical difficulties and legal issues that had not been resolved. From a practical standpoint, she stated that her Mission had continued to encounter difficulties using its designated spaces, especially on weekends. She reported that New York Police Department and other official vehicles often occupied such spaces and that the Mission's vehicles were compelled to park adjacent to the designated spaces and ended up being fined. She confirmed that her Mission had resorted to the tow hotline but had been informed that a tow truck was not available and that the city had insufficient resources. With respect to the payment or contesting of fines, she objected to the lengthy procedures and the waste of time and resources involved. From a legal point of view, she maintained Cuba's position on the legal problems arising from the Parking Programme. She reported that the Appeals Panel had sent a notice informing the Cuban Mission that in order to appeal the violation, the Mission must appear before a local court. Clearly, she said, the Cuban Mission could not take cognizance of such an order in respect of a diplomatic vehicle driven by a diplomat. Such requests violated the permanent missions' immunity from local jurisdiction. As the burden of proof was placed entirely on diplomats, she commented that the Appeals Panel had on only a few occasions found sufficient evidence to overturn notices of violation. She emphasized that diplomatic missions enjoyed civil and administrative immunity and should not therefore be subject to local authority. She urged the host country to reconsider some provisions of the Parking Programme so as to ensure the immunity and unimpeded work of the permanent missions.

23. The representative of France thanked the United States Mission and New York City for attempting to deal with the delicate and complex problem of diplomatic parking. He alluded to the fact that the permanent missions had accepted the reduction in the number of spaces on the understanding that they would be guaranteed two spaces each, 24 hours a day, seven days a week. He emphasized the need to ensure that such spaces were free at all times. He called for implementation of the Parking Programme by all parties, including the host city, in all regards.

24. The representative of the host country stressed that the meeting was not intended to reopen the debate on the Parking Programme; the Committee was merely called upon to monitor and review its implementation. On the question of submission to local courts, he recalled that the Parking Programme explicitly stated that the appeals process did not constitute subjection to local jurisdiction. Noting the establishment of a 24-hour parking patrol, he undertook to look into why police were not ensuring respect for the designated spaces. In respect of the problems raised by Costa Rica, he indicated that, having been previously apprised of the

matter, the United States Mission had tried to resolve the situation by placing a tow truck on standby.

25. The representative of the Russian Federation also expressed concerns regarding the implementation of the Parking Programme and reported that his Mission had been compelled to send monthly notes to the United States Mission regarding violations of its designated spaces and the issuance of unwarranted summonses. He proposed that the next meeting of the Committee be convened as a special session to review the implementation of and possible changes to the Parking Programme, taking into account the interests of all concerned.

26. The Chairman noted the difficulties experienced by permanent missions and expressed the view that the host country and city were doing and would continue to do their best to address these problems.

27. At the 217th meeting, the representative of Costa Rica reiterated the need for a constructive spirit in finding a fair and non-discriminatory solution to the problems arising out of the implementation of the Parking Programme. She reported that her delegation had been most careful, since the introduction of the Parking Programme, to pay or protest the notices issued to the Mission and its staff, but that the Mission had nonetheless confronted regular problems on 43rd Street. She stated that both the Permanent Representative and the Deputy Permanent Representative took personal note of the Mission's parking activities, as well as of the unauthorized cars parked in its designated spaces. Although her Mission maintained almost daily contact with the United States Mission, problems still persisted. In particular, she referred to 43rd Street as a "big business corner" with many restaurants, multiple delivery points involving double and triple parking and recurrent use of Costa Rica's designated spaces by official city vehicles, as well as by DHL, UPS and other vehicles, resulting in delays and impediments to the work of the Permanent Mission of Costa Rica. As the Costa Rican Mission had done its part, she urged the host country to do its part to find a solution and called upon the city authorities to give greater attention to the problem, possibly by permanently placing a traffic officer at the location. She concluded by stating that it was not her Mission's duty to police its parking spaces and that the time spent on protesting tickets and defending against them undermined the Mission's ability to carry out its normal functions.

28. The representative of China recalled that the Parking Programme had been in effect since the end of 2002. While reiterating that diplomats had an obligation to respect the laws of the host country, he called upon the host country and city to address the problems arising from the implementation of the Parking Programme, in particular the issuance of discriminatory fines. He called upon the law enforcement authorities not to discriminate against diplomats and to treat them with courtesy.

29. The representative of Bulgaria also reported on parking issues confronting her Mission. She indicated that the Legal Adviser of the Permanent Mission of Bulgaria had contested a notice of parking violation before the Appeals Panel, which, in accordance with the relevant Parking Programme provisions, must respond within 20 days. Following the expiration of that deadline, the Bulgarian Mission had received a letter from the Panel requesting the Bulgarian Mission to pay half the value of the original notice. She indicated that her Mission would disregard any notification not received by the prescribed deadlines. She emphasized that the Bulgarian Mission worked hard to comply with the deadlines provided in the Parking Programme and expressed the hope that the Appeals Panel would also so

comply. She hoped that her intervention would contribute in a positive way to the full and proper implementation of the Parking Programme.

30. The representative of the Russian Federation welcomed the host country's efforts to resolve issues confronting the Permanent Missions in New York, including in respect of the implementation of the Parking Programme. He referred to the previous speakers and noted that the implementation of the Parking Programme was "far from perfect". As there appeared to be many problems and shortcomings in the implementation of the Parking Programme, he expressed disagreement with the United States Mission's approach and echoed Costa Rica's concern that the permanent missions were being called upon to police their own parking spaces. He emphasized that the missions had neither the time nor any duty under international law to play that role. He proposed that the subject be included as a separate item on the agenda of the next meeting of the Committee in order to review and assess the implementation of the Parking Programme.

31. The representative of the host country recalled that it had not yet been a year since the Parking Programme had entered into force. He reported that congestion was down, parking problems were down, and more parking spaces were available to permanent missions than under the old system. He was pleased that the decal programme had ensured better utilization of diplomatic vehicles. Expressing his happiness with the results, he stated that the United States Mission would continue to work with the permanent missions and with the New York City Commissioner for the United Nations to resolve any problems. He welcomed any input and undertook to resolve any issues. He reported that the United States Mission had issued guidelines and reminders to assist the permanent missions with the implementation of the Parking Programme and emphasized that they must pay or protest their summonses or risk the loss of their designated spaces. He reported that the United States Mission had exerted good-faith efforts by holding briefings, sending notes verbales, establishing a special e-mail address (unparking@state.gov) and web site and designating a dedicated focal point for parking issues. Referring to his Mission's note verbale of 16 June 2003, he stressed the importance of responding to notices in a timely manner and praised the monthly reports as a useful reminder cataloguing all notices issued to vehicles of missions and their staff. On behalf of the host country and city, he invited the permanent missions to avail themselves of the forms of recourse provided for in the Parking Programme rather than waiting for the non-renewal of their diplomatic plates. He thanked the permanent missions that had cooperated and promised to continue to assist all missions to resolve problems.

32. Regarding the Costa Rican intervention, the representative of the host country responded that the United States Mission had carried forward the Permanent Mission of Costa Rica's daily complaints. He noted that the host city had rectified an erroneous sign that might have contributed to the problems confronting that Mission. He stressed that the United States Mission, working with the city, had tried with some success to solve those problems and would continue to work on them. In particular, he stated that the United States Mission had spoken to the city police about increasing enforcement; had ensured the dismissal of most summonses; had met with city judges so that they would provide specific reasons for their decisions; and that overall, the host country's obligations had been met. He noted that there were 12 diplomatic spaces near 43rd Street and plenty of police presence. He recalled that the Parking Programme had been deemed legal and that the United States Mission needed more time to resolve all the problems. In response to the

representative of Bulgaria, he requested that she refer her enquiry to the Mission's focal point. With reference to the intervention by the representative of the Russian Federation, he stated that the Committee would continue to discuss the matter in its meetings, recommendations and reports.

33. The representative of Costa Rica thanked the United States Mission for its usual assistance. She noted, however, that the transmission of the Mission's communications to the city authorities had not solved the problem and was therefore insufficient. She hoped for stricter measures to ensure the availability of her Mission's parking spaces in order to save the time spent on daily summonses that were ultimately dismissed. She stated that the towing provisions should be enforced to prevent further abuse of Costa Rica's designated spaces. She reiterated her appeal to the host city to ensure proper implementation of the Parking Programme.

34. The Chairman noted the constructive spirit that prevailed in the meeting. He took note of the problems raised by delegations and of the request by the representative of the Russian Federation for a specific item on diplomatic parking at the next meeting of the Committee.

35. At the 218th meeting, the representative of the Russian Federation noted that a year had passed since the implementation of the Parking Programme, exposing various problems and systemic flaws that hindered the normal functioning of the permanent missions. In his delegation's view, it was necessary to conclude that the Parking Programme was not functioning properly and that it suffered from fundamental defects. He reported that the Russian Mission was compelled to regularly photograph the unauthorized vehicles parked in its designated spaces and complained that such policing activities were not in keeping with its diplomatic functions. He also protested the fact that none of the violators had been ticketed or towed from the spaces. He sympathized with the city for its complex traffic problems but emphasized that his Mission had tried to make constructive proposals that took account of the host city's well-known concerns. Referring to the annex to document A/AC.154/312, he highlighted the following proposals: provide permanent representatives with decals authorizing their cars to be parked temporarily in any place except spaces restricted for reasons of public health and safety; provide designated parking spaces to each mission in a number proportionate to that of its registered vehicles; provide permanent missions with a number of transferable decals for temporary parking in any place except spaces restricted for reasons of public health and safety; enforce the designation of spaces through the immediate removal of unauthorized vehicles; and ensure sufficient patrols to avoid the need for diplomats to police their designated spaces. In the light of the incessant problems confronting the diplomatic community over a period of time, the Russian representative proposed that the Committee conduct a detailed examination of the implementation of the Parking Programme.

36. The representative of Costa Rica thanked the representative of the Russian Federation for his statement and expressed support for his proposal. Noting that it had been a year since its implementation, she confirmed the timeliness of and the need for a detailed review and assessment of the Parking Programme. The representative of Spain recalled the host country's assurances that the Parking Programme would be reviewed and expressed the hope that such a review would take place in the near future in order to address the problems confronting the permanent missions. The representative of Cuba also supported the request for a

detailed review and protested the fact that new tags had been denied for her Mission's vehicles despite the fact that the competent host city authorities had not responded to her Mission's claims and appeals. This, in her view, was a clear violation of the provisions of the Parking Programme.

37. The observer of Turkey stressed that the Parking Programme had been imposed in order to reduce congestion and to facilitate the work of the permanent missions. In that light, he concluded that it had fallen short of its stated objectives. In his delegation's view, the Parking Programme had had a negative impact on the work and freedom of movement of missions. The practical difficulties, delays and excessively strict parking regulations were compounded by the legal problems associated with the Parking Programme. He stated that the non-renewal of licence plates, the denial of registration and the cancellation of designated spaces ran counter to the diplomatic status of permanent missions. He characterized the treatment of diplomats by local authorities as intolerable and complained about non-uniform application of the relevant rules. He called on the host city to exhibit greater respect for the diplomatic community and understanding of their privileges and immunities.

38. The observer of the Syrian Arab Republic thanked the Russian Federation for his statement and recalled that while the Legal Counsel had, in his opinion, confirmed the legality of the Parking Programme, he had also recommended a periodic review to ensure the legality of its implementation. While he stated that his delegation did not entirely agree with the Legal Counsel's opinion, he confirmed that the recommended review was clearly required after one year. He stated that his delegation looked forward to a comprehensive review of the Parking Programme, which had been imposed despite the objections of Member States and notwithstanding many breaches of diplomatic status under international law. He expressed his Mission's willingness to work with the host country and city to ensure the normal functioning of permanent missions.

39. The observer of Singapore protested the continued presence of unauthorized vehicles in his Mission's designated spaces. He reported that a special security team had assessed all of Singapore's missions worldwide and had concluded, in respect of the Mission in New York, that for the sake of safety the spaces directly in front of the Mission should be secured. However, the host city had refused to assign the two spaces in front of the Singapore Mission to it for its security. He also flagged the issue of discriminatory treatment of diplomatic vehicles and asked whether a quota system was in place. Stating that Singapore was rigorous in its efforts to pay or protest notices received by its Mission or its staff, he concluded that the Parking Programme was inordinately burdensome.

40. The observer of Trinidad and Tobago praised the efforts made by the parking coordinator of the United States Mission, who had been very cooperative in responding to her Mission's complaints. She noted a slight improvement in the courteousness of the host city's tow hotline but expressed serious concern at the amount of time and effort required of her Mission and its staff to comply with the problematic Parking Programme. She called upon city police officers enforcing the Parking Programme to issue tickets to those who violate the diplomatic spaces and to expeditiously tow unauthorized vehicles. She questioned the presence of roadwork signs next to designated diplomatic spaces that did not seem to relate to any actual work being done. Coupled with the occupation of diplomatic spaces by

unauthorized vehicles, including official city vehicles, such road blockage made it even more difficult to use the Mission's designated spaces. She protested the weekend parking problem and called for more public education about the Parking Programme.

41. The representative of the host country expressed gratitude for the comments of the representative of Trinidad and Tobago, in particular regarding the parking coordinator of the United States Mission. He noted that the Committee on Relations with the Host Country was the proper forum for a discussion on the implementation of the Parking Programme and indicated that he would address himself to the systemic or generic issues raised by the previous speakers. Individual problems would be addressed directly with each mission. He stressed that the Parking Programme was working well and that the number of tickets issued had become a fraction of what it used to be. He noted that congestion was markedly down and that the city's objective of enhancing movement for health and safety reasons appeared to have been successfully achieved. He stressed the improvements in the operation of the tow hotline and reiterated that permanent missions must pay or protest notices of violation. He agreed, however, that diplomats should not have to police their own spaces. Overall, the number of tickets was considerably lower and the level of compliance was significantly higher. Accordingly, he thanked Member States for their compliance. He noted that the Russian Federation, in particular, had maintained one of the lowest ticket rates. He reported that only about 30 cars had not been re-registered — approximately 1 per cent of the total number of diplomatic vehicles — which implies a 99 per cent compliance rate. As for public misconceptions regarding the use of diplomatic spaces at night and on weekends, he undertook to raise the matter with the city authorities. Responding to statements concerning the legality of the Parking Programme, he recalled that the Legal Counsel had conclusively determined that it was consistent with international law. Thus, he said, it was not necessary to reopen the discussion on the Parking Programme itself. As for a review of its implementation, he recalled that the Legal Counsel had called for, the host country had agreed to and many delegations were demanding such a review. It would be necessary, however, to decide how and when to conduct it. While the host country had no objection to a review of implementation, he clarified that such a review would not entail any revision of the Parking Programme itself.

42. The representative of Costa Rica indicated that she was personally aware of the United States Mission's efforts to resolve the problems encountered by her Mission and noted that things had improved. Nonetheless, she stressed that problems remained and must continue to be addressed. She felt that while the permanent missions and the United States Mission were doing their part in resolving these problems, there was a need for more effort by the host city. She opined that the public was not sufficiently educated about the financial and social benefits of having the international community in New York. She supported the Russian proposal to review the legality of the implementation of the Parking Programme in a joint meeting of the United States Mission, the host city and the permanent missions.

43. The observer of the Syrian Arab Republic indicated that, with all due respect for the Legal Counsel's opinion, it was "just an opinion". Moreover, even if the Parking Programme was legally sound, he stressed that its implementation could be legally flawed. He reiterated earlier protests regarding the New York Police Department's treatment of diplomats and stated that such treatment was "different

from what we are accustomed to, including in Washington, D.C." He called for improving training and education for city police, particularly regarding the privileges and immunities of diplomats in New York. He also sought information on the possibility of obtaining an advisory opinion from the International Court of Justice. The representative of the Legal Counsel later replied that a request for the Court's advisory opinion would, in accordance with Article 96 of the Charter of the United Nations, have to emanate from the General Assembly.

44. The observer of Trinidad and Tobago clarified that while she had praised the efforts of the United States Mission's parking coordinator and the improved courtesy of the personnel of the tow hotline, she had not seen any improvement in the overall implementation of the Parking Programme, which remained problematic and burdensome.

C. Question of the security of missions and the safety of their personnel

45. At the 216th meeting, the representative of Cuba referred to her Mission's notes verbales of 11 March and 12 May 2003 to the United States Mission concerning recently imposed restrictions on the security area assigned to the Permanent Mission of Cuba. As the Cuban Mission had not yet received any formal reply to those communications, her delegation was compelled to bring this matter to the Committee's attention. She reported that on 9 March 2003, without advance notice or explanation, the security barriers around the Mission had been moved. Previously, the barriers had stood almost 12 feet from the walls of the Mission; on 9 March, they were moved to a mere 3.5 feet away. In her Government's view, reducing the perimeter around the Mission allowed easy access to pedestrians and enhanced the threat to the Mission. Prior to this reduction, she confirmed that the Cuban Mission had had no problem with the host country's handling of the situation, but with the reduction her delegation was seriously concerned, especially in the light of the recurring demonstrations in the vicinity of the Mission. While the previous measures had succeeded in deterring threats and attacks, she feared that the shrinkage of the security perimeter would send a message to those with bad intentions. In this connection, she reported that an unauthorized vehicle had been parked for more than 12 hours in the no-parking zone within the security area but had nonetheless not been issued a parking ticket. She called upon the host country to immediately restore the previous situation and held it responsible for anything that might happen.

46. The representative of the host country indicated that, having received the Cuban Mission's note verbale of 9 March 2003, the United States Mission had organized a security meeting at which representatives of host country law enforcement agencies met with Cuban counterparts on 6 April 2003. The United States delegation was still awaiting the views of the New York Police Department following the meeting. He recalled that the security zone had been established some years ago in a period of numerous attacks and that the Cuban Mission was the only one with such a security zone. He stated that, while free speech and demonstrations were legal in the host country, demonstrators were kept at a safe distance. He cited a recent demonstration during which, in response to the use of a megaphone by the demonstrators, the Cuban Mission had blasted stereo music out of a window. He confirmed that the host city conducted constant threat assessments and concluded

that the New York Police Department's objective assessment may have indicated that the security situation no longer necessitated special security measures. Where a threat was deemed to exist, the host city and country would respond. He also confirmed that in the post-11 September environment, multiple security agencies have been active at the local, state and federal levels.

47. The representative of Cuba confirmed that, while a 6 April meeting had been held, no formal notice or decision had been communicated by the host State. For that reason, Cuba's concerns regarding the new restrictions on its security zone were reiterated in a subsequent note verbale on 12 May 2003. She further confirmed that the security situation continued to be delicate, noting that various security incidents had occurred in the last few years. In this connection, the Cuban Mission had provided the Security Council with a detailed account and chronology of terrorist attacks emanating from United States soil against Cuba, as well as attacks on the Permanent Mission of Cuba to the United Nations. She stated that the Cuban Mission did not consider attacks or threats to be a thing of the past. Perpetrators had made statements in the press and on radio confirming a continuing threat to the security of the Cuban Mission. As to the demonstration cited by the host country representative, she indicated that the music had been turned up to drown out the noise and obscenities against Cuba and the Cuban people emanating from the "alleged free speech". She found it most disturbing that children should be exposed to such obscenities and natural that the people in the Mission would prefer to listen to Cuban music than to such insults. While the demonstrators had a right to express themselves, she said that the Cuban Mission had a right not to listen. She reiterated the threat emanating from terrorist groups, such as Alfa 66, which acted with impunity on United States soil. She called upon the host country to fulfil its obligations in respect of the security of missions.

48. At the 217th meeting, the representative of China stated that in the light of the terrorist incidents around the world, the security of permanent missions needed to be strengthened and reinforced. He called for more stationary and mobile police. He expressed concern about the number of large unauthorized vehicles present in the vicinity of the Chinese Mission and conveyed his Mission's fear that incidents might occur. He called for the establishment of a regular police presence and a no-parking zone. He hoped, through the Committee, to impress upon the host country the need to study and address the security environment.

D. Host country travel regulations

49. At the 218th meeting, the representative of the Libyan Arab Jamahiriya referred to the foundations of relations between permanent missions and the host country, based on the Headquarters Agreement, the Vienna Convention on Diplomatic Relations and the Convention on the Privileges and Immunities of the United Nations. He recalled that the status and treatment of permanent missions should not vary depending on the bilateral relations between the countries concerned. He therefore regretted that the host country had nonetheless imposed restrictions on the travel and movement of Libyan representatives, including delays and denials of visas, as well as restrictions and ceilings on bank accounts and other assets and property. Such measures, he argued, impeded the work of the Mission and its diplomats. He referred to his Government's inability to dispose of its property in New York and Washington, D.C., or to even maintain and verify the condition

thereof. In respect of visa applications, he alluded to the unreasonableness of the three-week minimum requirement, a period of time that in practice often amounted to two months. He noted that visas were often granted at the last moment, thereby effectively denying an opportunity to travel and attend meetings. He also expressed concern about restrictions on the travel of non-dependant family members. As to the ceilings imposed on Libya's bank accounts, he referred to the expense of maintaining a 24-storey building (Libya House) and protested this interference with his Mission's ability to maintain and ensure the proper functioning of its property. He appealed to the host country to lift the ceilings. Finally, he complained about ill-treatment accorded to diplomats at New York airports and characterized it as "beyond what is acceptable in the name of security". He stated that delegations were subjected to humiliating and degrading treatment contrary to international law. He thanked the United States Mission for its efforts in addressing these and other problems.

50. The representative of the host country responded to the concerns expressed by the Libyan Arab Jamahiriya as follows. On the question of ceilings, he recalled that last year the Libyan Mission had requested an increase in or the lifting of the ceilings; after careful consideration, the United States had determined that, while at that time it was not in a position to accede to Libya's request, it could consider the matter again at a later date. Accordingly, if the Libyan Mission wished to submit a renewed request the host country would consider it. He advised the Libyan representative that it would be useful to provide information on the expenses of Libya House in order to substantiate a request to increase or lift the ceilings. With respect to travel restrictions, the representative of the host country confirmed that there were no restrictions on official United Nations travel; such restrictions applied only to personal or recreational travel. As for the travel of family members, he indicated that the United States policy on official visas for dependants was very specific. He also stated that the United States Mission was very sensitive to cultural differences regarding secondary or over-age dependants and that it did what it could to accommodate requests to keep families together. Referring to entry and departure from airports, the representative of the host country confirmed that the host country had made arrangements with the competent authorities to ensure the privacy and courtesy of security measures directed at diplomats other than Heads of State and cabinet-rank ministers. He referred to a United States Mission circular describing these arrangements and to the seriousness with which his Mission took reports regarding infractions thereof, including at the highest levels of the State Department. The representative of the Libyan Arab Jamahiriya thanked the representative of the host country for his clarifications and explanations and confirmed that his Mission would pursue the matters raised with the host country with a view to reconciling his country's concerns.

51. The representative of Cuba reported that the host country had denied the head of the Cuban Interests Section in Washington, D.C., permission to travel to New York to participate in the general debate of the General Assembly at its fifty-eighth session. The person concerned was, she said, a regular member of the Cuban delegation whose travel had been denied without any explanation or justification. She expressed the view that such denials were a further violation of the host country's obligations and a restriction on Cuban representation at the United Nations. In response to Cuba's statement, the representative of the host country indicated that as the application had been made in Washington, D.C., the United

States Mission did not have any information in respect thereof and had not yet received any communication from the Cuban Mission. He undertook to look into the matter.

Chapter IV
Recommendations and conclusions

52. At its 219th meeting, on 16 October 2003, the Committee approved the following recommendations and conclusions:

(a) The Committee reaffirms the Headquarters Agreement and the provisions of the 1961 Vienna Convention on Diplomatic Relations and the 1946 Convention on the Privileges and Immunities of the United Nations;

(b) Considering that the maintenance of appropriate conditions for the delegations and missions accredited to the United Nations is in the interest of the United Nations and all Member States, the Committee appreciates the efforts made by the host country to that end and anticipates that all issues raised at its meetings, including those referred to below, will be duly settled in a spirit of cooperation and in accordance with international law;

(c) The Committee notes that the observance of privileges and immunities is an issue of great importance. The Committee emphasizes the need to solve, through negotiations, problems that might arise in this regard for the normal functioning of the delegations and the missions accredited to the United Nations;

(d) Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee appreciates the efforts made by the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

(e) Following the first anniversary of the implementation of the Parking Programme for Diplomatic Vehicles (A/AC.154/355, annex), noting the problems experienced by permanent missions in connection with its implementation, the Committee shall conduct a detailed review of the implementation of the Programme, as recommended by the Legal Counsel in his opinion of 24 September 2002 (A/AC.154/358, annex), with a view to ensuring the proper implementation of the Programme in a manner that is fair, non-discriminatory, effective and consistent with international law;

(f) The Committee requests the host country to continue to bring to the attention of New York City officials reports about problems experienced by the permanent missions or their staff in order to improve the conditions for their functioning and to promote compliance with international norms concerning diplomatic privileges and immunities, and to continue to consult with the Committee on these important issues;

(g) Recalling General Assembly resolution 43/172 of 9 December 1988, the Committee stresses the importance of a positive public perception of the presence and work of the United Nations, and urges that efforts be continued to build up awareness by explaining, through all available means, the importance of the role played by the United Nations and the missions accredited to it in the strengthening of international peace and security;

(h) The Committee recalls that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI), the Committee shall consider, and advise the host country on, issues arising in connection with the implementation of the

Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations;

(i) The Committee anticipates that the host country will continue to ensure the issuance, in a timely manner, of entry visas to representatives of Member States pursuant to article IV, section 11, of the Headquarters Agreement, including to attend official United Nations meetings;

(j) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee continues to urge the host country to remove the remaining travel restrictions as soon as possible; in that regard, the Committee also notes the positions of the affected Member States, of the Secretary-General and of the host country;

(k) The Committee stresses the importance of permanent missions, their personnel and Secretariat personnel meeting their financial obligations;

(l) The Committee welcomes the participation of Members of the United Nations in its work and emphasizes its importance. The Committee also welcomes the participation of representatives of the Secretariat in its work. The Committee is convinced that its important work has been strengthened by the cooperation of all concerned;

(m) The Committee wishes to reiterate its appreciation to the representative of the United States Mission in charge of host country affairs and to the Host Country Affairs Section of the United States Mission to the United Nations, as well as to those local entities, in particular the New York City Commission for the United Nations, Consular Corps and Protocol, that contribute to its efforts to help accommodate the needs, interests and requirements of the diplomatic community and to promote mutual understanding between the diplomatic community and the people of the City of New York.

Annex I

List of topics for consideration by the Committee

1. Question of the security of missions and the safety of their personnel.

2. Consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:

   (a) Entry visas issued by the host country;

   (b) Acceleration of immigration and customs procedures;

   (c) Exemption from taxes.

3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.

4. Housing for diplomatic personnel and for Secretariat staff.

5. Question of privileges and immunities:

   (a) Comparative study of privileges and immunities;

   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.

6. Host country activities: activities to assist members of the United Nations community.

7. Transportation: use of motor vehicles, parking and related matters.

8. Insurance, education and health.

9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.

10. Consideration and adoption of the report of the Committee to the General Assembly.

Annex II

List of documents

A/AC.154/360 Letter dated 19 May 2003 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country ("the Chairman")

A/AC.154/361 Letter dated 3 October 2003 from the first Deputy Permanent Representative of the Russian Federation to the United Nations addressed to the Chairman

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